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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,128	04/22/2004	Charles Knight	34736	7445

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Kansas City, MO 64108-2519

EXAMINER

SMITH, MATTHEW J

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/830,128

Applicant(s)

KNIGHT, CHARLES

Examiner

Matthew J. Smith

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 22Apr04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "28" has been used to designate both adhesive [0022] and channel [0023].

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Franchi (3863417).

Franchi discloses a tile system comprising: tile sections 6, each tile section including individual tiles 6 cooperatively defining transversely extending channels; a mesh 5 attached to the tiles; interlockable fastening strips 4 received in the channels and securing the tile sections to one another; and the tiles having top and bottom surfaces with the mesh being attached to the tiles' bottom surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi.

Franchi discloses the channels intersecting another transversely extending channels and grooves in the tile but not grooves in the fastening strips.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to groove the fastening strip instead of the tile since the function would have been the same.

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Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi in view of Cudmore et al. (4596731)

Franchi discloses the invention substantially as claimed but not the fastening strips having fastening tabs attached to the bottom edges.

Cudmore et al. present a walkway having fastening tabs 34 that are attached to the grid 15 bottom edges.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add fastening tabs to the Franchi grid, as presented by Cudmore et al., in order to secure the Franchi grid.

It would have been further obvious to a person having ordinary skill in the art at the time the invention was made to insert the fastening tabs through the mesh since the Franchi layer arrangement would have remained the same with the bedding 4 on top of the mesh.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi in view of Johnson, Jr. (4785604).

Franchi discloses the invention substantially as claimed but not a fastening strip first portion of one tile section received in another strip second portion of another tile section.

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Johnson, Jr. displays a trafficable surface grid 100 with a fastening strip first portion of one tile section received in a strip second portion of another tile section.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to create the Franchi grid using the Johnson, Jr. design for easier handling.

Claims 3, 10, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi in view of Allocca (3746458).

Franchi discloses a tile system comprising: tiles 6 cooperatively defining transversely extending channels; a mesh 5 attached to at least some of the tiles; tiles presenting top and bottom surfaces; interlockable fastening strips received in the channels and securing the tiles to one another; and the mesh being attached to the tiles' bottom surface but not spacer blocks.

Allocca shows a tile system with spacer blocks 14 opposite tiles 3.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use spacer blocks, as shown by Allocca, instead of Franchi's underlay 3 for easier handling.

Franchi also discloses the channels intersecting another transversely extending channel and grooves in the tile but not grooves in the fastening strips.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to groove the fastening strip instead of the tile since the function would have been the same.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi and Allocca in view of Johnson, Jr.

The combination discloses the invention substantially as claimed but not a fastening strip first portion of one tile section received in a strip second portion of another tile section.

Johnson, Jr. displays a trafficable surface grid 100 with a fastening strip first portion of one tile section received in a strip second portion of another tile section.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to create the Franchi grid using the Johnson, Jr. design for easier handling.

Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi in view of Johnson, Jr.

Franchi discloses a method of laying tile comprising: placing first and second tile sections next to one another, each section including tiles 6 and a mesh 5 attached to the tiles; the tiles cooperatively defining first transversely extending channels within each of the tile sections, the first and second tile sections cooperatively defining a second transversely extending channel; placing a fastening strip 4, the tiles cooperatively defining a third transversely extending channel within each of the tile sections that is substantially parallel to the first channels but not a first interlocking fastening strip in a first tile section first channel portion and in second tile section first channel second portion, the first fastening strip intersecting the second channel, placing a second interlocking fastening strip in the second channel between the first and second tile sections, the second fastening strip interlocking with the first fastening strip, placing a third interlocking fastening strip in a first tile section third channel portion and in a second tile section third channel portion, or the third fastening strip interlocking with the second fastening strip.

Johnson, Jr. displays a trafficable surface grid 100 with a fastening strip tile section first portion received in a strip second portion of another tile section.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to create the Franchi grid using the Johnson, Jr. design for easier handling.

Franchi discloses the channels intersecting another transversely extending channels and grooves in the tile but not grooves in the fastening strips.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to groove the fastening strip instead of the tile since the function would have been the same.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi in view of Allocca as applied to claim 10 above, and further in view of Cudmore et al.

The combination discloses the invention substantially as claimed but not a fastening tabs attached to the bottom edges or the fastening tabs being inserted through the mesh.

Cudmore et al. present a walkway having fastening tabs 34 that are attached to the grid 15 bottom edges.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add fastening tabs to the Franchi grid, as presented by Cudmore et al., in order to secure the Franchi grid.

It would have been further obvious to a person having ordinary skill in the art at the time the invention was made to insert the fastening tabs through the mesh since the Franchi layer arrangement would have remained the same with the bedding on top of the mesh.

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Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi in view of Johnson, Jr. as applied to claim 17 above, and further in view of Madge (1673630).

The combination discloses the invention substantially as claimed but not anchoring tile sections to a surface using a helically-flighted fastener inserted through a tile section and into the surface.

Madge depicts anchoring a tile section to a surface using a helically-flighted fastener 6 inserted through a tile section and into the surface.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to secure the Franchi tiles with a screw, as depicted by Madge, in order to secure the tiles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is 571-272-7034. The examiner can normally be reached on T-F, 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJS *MJS*
30 August 2007

Lanna Mai
Supervisory Patent Examiner
Art Unit 3637

